HONOURABLE SRI JUSTICE GOPALAKRISHNA TAMADA.

WRIT PETITION NO:29829 OF 1998

Dated: 21-03-2007

Between

C.Madhusudhan Reddy & others.

..Petitioners

and

1. District Collector, Chittoor & others.

…Respondents

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ORDER:

The petitioners have filed the writ petition seeking for a declaration that the notification and declaration issued under sections 4 (1) and 6 of the Land Acquisition Act published in Vartha Daily, dated 30.8.1996, as illegal and arbitrary.

The facts leading to the filing of the present writ petition are: All the petitioners except the 1st petitioner are agriculturists and are eking out their livelihood by doing agricultural operations. The 1st respondent-District Collector issued a notification under section 4 (1) of the Land Acquisition Act proposing to acquire the lands belonging to the petitioners for the purpose of A.P.I.I.C. Limited for development of industries. In pursuance of the said notification, no notice under section 5 (A) of the Act was issued to the petitioners. The declaration under section 6 of the Act was published in Vaartha Daily on 30.8.1996 and subsequently, the notices under section 9 (1) of the Act were served on 27.7.1998 and the said notices were served on some of the petitioners on 8.8.1998. The 1st respondent-Collector has no jurisdiction to issue the notification under section 4 (1) and 6 of the Act. Therefore, the said notifications are liable to be quashed.

Heard the learned counsel.

While admitting the writ petition, this Court has directed to

maintain status quo as to the possession of the petitioners as on 28.10.1998.

It is clear from the counter that by invoking the urgency clause under section 17 of the Land Acquisition Act, the notice under section 5A was dispensed with. When once the notice under section 5A of the Act, is dispensed with, the question of issuing notices to some others, does not arise. Therefore, the contention put forth by the petitioners that there was no notice under section 5A of the Act, issued to them, is untenable.

However, it is nowhere stated in the counter that the enquiry has been completed and consequently, an award has been passed.

If that being the case, in view of the provisions of section 11A of the Land Acquisition Act where under, the award, if any shall be passed within two years from the date of the publication of the declaration, I feel that the notification in question and the consequential proceedings, became lapsed, as a result of which, the respondents cannot act upon the same to proceed with the acquisition proceedings.

Accordingly, this writ petition is disposed of. No order as to costs.

(Justice Gopalakrishna Tamada)

21st MARCH, 2007

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